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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

YURIY ABROSIMOV, et al.,

Plaintiffs,

v.

SERGEY RYSHKOFF'S MOSCOW
ICE CIRCUS, et al.,

Defendants.

2:09-CV-1261 JCM (GWF)

ORDER

Presently before the court is the case of *Abrosimov et al. v. Sergey Ryshkoff's Moscow Ice Circus, LLC et al.* (2:09-cv-01261-JCM-GWF).

On April 18, 2011, pursuant to Local Rule 41-1, the clerk of the court informed plaintiff that, if no action was taken in this case in thirty days, the court would dismiss the suit for want of prosecution. (Doc. #45). Thereafter, on May 13, 2011, before the LR 41-1 deadline had passed, plaintiff Abrosimov filed a motion to extend time in which to request a default judgment (doc. #46). Before the court had occasion to grant the motion, plaintiff filed the instant motion for default judgment (doc. #47).

Pursuant to Federal Rule of Civil Procedure 55(a) "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." Federal Rule of Civil Procedure 55(b)(2) provides that a court may enter a default judgment after the party seeking default applies to the clerk of the court as required by subsection (a) of this rule.

1 Plaintiff filed the instant motion for default judgment before applying to the clerk of the court
2 in accordance with Rule 55. Only after plaintiff has met the above-outlined procedural requirements
3 will the court entertain plaintiff's motion for default judgment. Thus, at this juncture, the motion is
4 denied as untimely.

5 Accordingly,

6 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff's motion for
7 extension of time (doc. #46) is GRANTED;

8 IT IS FURTHER ORDERED that plaintiff's motion for default judgment (doc. #47) is hereby
9 DENIED without prejudice.

10 DATED this 7th day of June, 2011.

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13 **UNITED STATES DISTRICT JUDGE**